

AMENDED IN ASSEMBLY APRIL 1, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 2481

Introduced by Assembly Member Mendoza

February 21, 2008

An act to add Section 45034.5 to the Education Code, relating to teacher salaries.

LEGISLATIVE COUNSEL’S DIGEST

AB 2481, as amended, Mendoza. ~~Teacher~~ *Employee* salaries: ~~Teacher~~ *Los Angeles Unified School District Employee* Recovery Act.

Existing law authorizes local educational agencies to employ persons as certificated personnel. Existing law requires that, if any school district fails to pay the salary of any certificated employee who has on file a contract of employment held valid by the legal adviser of the county superintendent of schools having jurisdiction over the district, the county superintendent of schools is authorized to transfer sufficient money from the funds of the district to the county school service fund and pay the salary of the certificated employee from that fund.

This bill would enact the ~~Teacher~~ *Los Angeles Unified School District Employee* Recovery Act. The bill would require ~~a school district that uses state funds apportioned to that district for the payment of the salaries of certificated personnel;~~ *the Los Angeles Unified School District* to reimburse certificated *or classified* employees for any additional income taxes payable because of an overpayment error made by that district, and would afford specified additional rights to certificated *or classified* employees whose salaries have been overpaid or underpaid by the district. The bill would, ~~until the matter is resolved,~~ prohibit the district from using any state funds apportioned to ~~that~~ *the* district for

the payment of the salaries or expenses of the members of ~~the governing board of that district or of the superintendent or assistant superintendents of that the district~~ if a certificated *or classified* employee or an employee organization representing certificated *or classified* employees of a school the district files, with the governing board of ~~that the district~~, a declaration made under penalty of perjury to the effect that any outstanding underpayment or overpayment of a certificated *or classified* employee of ~~that the district~~ has not been resolved, *unless the error rate for the total payroll is less than 1% of the total payroll*. By creating a new crime, this bill would impose a ~~state-mandated~~ *state-mandated* local program.

The bill would declare that due to the unique circumstances regarding the payroll system of the Los Angeles Unified School District, a general statute cannot be made applicable.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 45034.5 is added to the Education Code,
- 2 to read:
- 3 45034.5. (a) This section shall be known, and may be cited,
- 4 as the ~~Teacher~~ *Los Angeles Unified School District Employee*
- 5 *Recovery Act*.
- 6 (b) Notwithstanding any other provision of law, ~~a school district~~
- 7 ~~that uses state funds apportioned to that district for the payment~~
- 8 ~~of the salaries of certificated personnel~~ *the Los Angeles Unified*
- 9 *School District* shall comply with all of the following:
- 10 (1) The school district shall reimburse a certificated *or classified*
- 11 employee for any additional income taxes payable because of an
- 12 overpayment error made by that district.
- 13 (2) The school district shall release a certificated *or classified*
- 14 employee from his or her duties, without either docking his or her
- 15 pay or charging him or her for vacation or sick leave, when a
- 16 certificated *or classified* employee deems it necessary to visit

1 district payroll personnel to rectify payroll errors. If a certificated
2 *or classified* employee finds it necessary to visit district payroll
3 personnel on his or her own time, the school district shall reimburse
4 that employee for the time spent in accomplishing that task,
5 including travel time, at that person's hourly rate of salary, and
6 reimburse that person for mileage.

7 (3) If an underpayment is made by the school district, the school
8 district shall pay the amount of the underpayment, plus interest
9 equal to that earned by the Pooled Money Investment Account
10 pursuant to Section 16314 of the Government Code, to the affected
11 certificated employee by the end of the next pay period.

12 (4) If an overpayment is made by the school district, the affected
13 certificated *or classified* employee may consult a payroll specialist
14 employed by an employee organization or an independent payroll
15 specialist. No schedule for the employee's reimbursement of the
16 amount overpaid may be made, and no deduction relating to the
17 overpayment may be made from that employee's salary, unless
18 the employee has had an opportunity to consult with a payroll
19 specialist under this paragraph and the employee has agreed, in
20 writing, to the amount to be repaid and the term and manner of the
21 repayment.

22 (5) If a discrepancy arises with respect to an amount to be paid
23 with respect to a certificated *or classified* employee's retirement
24 benefits, that discrepancy shall be resolved, prior to the issuance
25 of the annual report of the status of that employee's retirement
26 benefits, or the school district shall be responsible for the payment
27 of the entire amount necessary for that employee's retirement
28 benefits to be held harmless for the year covered by that annual
29 report.

30 (6) If a certificated *or classified* employee or an employee
31 organization representing certificated *or classified* employees of
32 a school district files, with the governing board of ~~that~~ *the* district,
33 a declaration made under penalty of perjury to the effect that any
34 outstanding underpayment ~~or overpayment of a certificated~~
35 ~~employee of that district has not~~ *or overpayment of a certificated*
36 *or classified employee has not* been resolved, the school district
37 shall not use any state funds apportioned to ~~that~~ *the* district for the
38 payment of the salaries ~~or expenses of the members of the~~
39 ~~governing board of that district or of the superintendent or assistant~~
40 ~~superintendents of that district until that matter is resolved.~~

1 *expenses of the superintendent or assistant superintendents of the*
2 *district if the error rate of the total payroll is greater than one*
3 *percent of the total payroll.*

4 *SEC. 2. The Legislature finds and declares that due to the*
5 *unique circumstances regarding the payroll system of the Los*
6 *Angeles Unified School District, a general statute cannot be made*
7 *applicable within the meaning of Section 16 of Article IV of the*
8 *California Constitution.*

9 ~~SEC. 2.~~

10 *SEC. 3. No reimbursement is required by this act pursuant to*
11 *Section 6 of Article XIII B of the California Constitution because*
12 *the only costs that may be incurred by a local agency or school*
13 *district will be incurred because this act creates a new crime or*
14 *infraction, eliminates a crime or infraction, or changes the penalty*
15 *for a crime or infraction, within the meaning of Section 17556 of*
16 *the Government Code, or changes the definition of a crime within*
17 *the meaning of Section 6 of Article XIII B of the California*
18 *Constitution.*